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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,649	09/23/2003	Eric R. Kurtycz	62436A (1062-018)	2083
25215	7590	01/11/2006	EXAMINER	
DOBRUSIN & THENNISCH PC 29 W LAWRENCE ST SUITE 210 PONTIAC, MI 48342			MCPARTLIN, SARAH BURNHAM	
			ART UNIT	PAPER NUMBER
			3636	

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/668,649	Applicant(s) KURTYCZ ET AL.	
	Examiner Sarah B. McPartlin	Art Unit 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-12,14-22 and 24-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 26-28 is/are allowed.
- 6) ☒ Claim(s) 1,3-5,7-9,11,12,14-22 and 24-25 is/are rejected.
- 7) ☒ Claim(s) 6 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 August 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The finality of the office action mailed on November 7, 2005 has been withdrawn.

Claim Objections

2. Claim 14 is objected to because of the following informalities: Claim 14 depends from a cancelled claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 5, 9, 11 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Lohmeyer (4,856,846). Lohmeyer discloses a seat back system (5) comprising: a first panel (unlabeled) extending between edges (6) and (7) having a main wall (unlabeled) comprised of the back wall of the panel; a plurality of primary planar ribs (20)(21)(22) positioned upon the first panel; and a plurality of channel forming ribs (24)(24)(24) extending along the main wall of the first panel wherein: the channel forming ribs (24)(24)(24) form tubular structures (23)(23)(23) in conjunction the main wall; the first panel, primary ribs (20)(21)(22) and the channel forming ribs (24)(24)(24) are one integrally molded plastic piece given that there is "thus the possibility of molding the seat 3 and the backrest 5 with the associated elements in one piece, with the

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material being able to spread from the gate point, which may lie beneath the seat 3, for example, over all parts of the seat 3 and the back rest 5" (column 5, line 13-17). The configuration of the elements allows for the "flow of plastic, particularly in injection molding" (column 5, line 12).

With respect to claim 5, a plurality of attachment locations (including the portions of the seat back main wall located to the right and to the left of the centrally located cross hatched area), each of the attachment locations including a plurality of secondary planar ribs (9)(10).

With respect to claim 9, one or more of the plurality of channel forming ribs (24)(24)(24) extend between at least one of the plurality of attachment locations as is best seen in Figure 1.

With respect to claim 11, the plurality of channel forming ribs (24) is arc-shaped in cross-section as best seen in Figure 2.

With respect to claim 24, the first panel is capable of being at least part of a seat back within an automotive vehicle.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 7-8, 12, 16-18, 22 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lohmeyer (4,856,846) in view of Knoblock (5,487,591). As disclosed above, Lohmeyer reveals all claimed elements with the exception of at least one primary planar rib extending about the periphery of the first panel and at least two primary planar ribs criss-crossing the first panel.

Knoblock discloses a seat back panel (5) with a primary planar rib (unlabeled) to which attachment points (24) are connected extending around the periphery of the seat back and primary planar ribs (45) extending in a criss-cross pattern across the seat back.

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to add additional support ribs that extend about the periphery of the panel and in a criss-cross pattern across the panel as taught by Knoblock to the back disclosed by Lohmeyer. Such ribs "rigidify the upper portion of the chair back 5 to prevent the same from buckling when a rearward force or pressure is applied there to" (column 5, lines 40-42).

With respect to claim 17, it would have been obvious to one of ordinary skill in the art to place two of the disclosed seating structure side by side. In such a position a second panel having a main wall would be located laterally adjacent to the first panel for spanning a lateral distance of the seat back system. Placing such seats in side-by-side linear configurations is readily apparent in classroom type situations and is an obvious matter of design choice.

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7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lohmeyer (4,856,846) in view of Nagamitsu et al. (US 2002/0060492) and in further view of Rink (5,092,942). Lohmeyer, as modified, discloses all claimed elements with the exception of a seat back system made out of a plastic material selected from the group set forth in claim 3.

Rink teaches the use of a polycarbonate/acrylonitrile-butadiene-styrene blend to construct a back support structure (column 1, lines 44-45).

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to use the claimed material as taught by Rink. This material allows for the economical mass production of the backrest support structures (column 2, lines 41-42).

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lohmeyer (4,856,846) in view of Nagamitsu et al. (US 2002/0060492) and in further view of Krassilnikov (US2003.0197296). As disclosed above, Lohmeyer, as modified, reveals all claimed elements with the exception of a channel forming rib formed by gas assist injection molding.

Krassilnikov discloses a method and apparatus for producing molded "seat backs" (paragraph [124]) with a gas assisted molding station.

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to form the seat back system disclosed by Lohmeyer with the gas

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assisted injection molded process taught by Krassilnikov. Such a method is a low cost method of forming consistently high quality products.

9. Claims 14 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lohmeyer (4,856,846) in view of Knoblock (5,487,591) and in further view of Nagamitsu et al. (US 2002/0060492) and in further view of Rink (5,092,942).

Lohmeyer, as modified, discloses all claimed elements with the exception of a seat back system made out of a plastic material selected from the group set forth in claim 3.

Rink teaches the use of a polycarbonate/acrylonitrile-butadiene-styrene blend to construct a back support structure (column 1, lines 44-45).

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to use the claimed material as taught by Rink. This material allows for the economical mass production of the backrest support structures (column 2, lines 41-42).

10. Claims 15 and 20-21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lohmeyer (4,856,846) in view of Knoblock (5,487,591) and in further view of Nagamitsu et al. (US 2002/0060492) and in further view of Krassilnikov (US2003.0197296). As disclosed above, Lohmeyer, as modified, reveals all claimed elements with the exception of a channel forming rib formed by gas assist injection molding.

Krassilnikov discloses a method and apparatus for producing molded "seat backs" (paragraph [124]) with a gas assisted molding station.

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to form the seat back system disclosed by Lohmeyer with the gas assisted injection molded process taught by Krassilnikov. Such a method is a low cost method of forming consistently high quality products.

Allowable Subject Matter

11. Claims 26-28 allowed.
12. Claims 6 and 10 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Amendment/Arguments

13. The amendment filed on December 14, 2005 has been considered in its entirety. Remaining issues are detailed in the section above.

Applicant's amendments have overcome the rejection under 35 USC 112.

The arguments with respect to Leistra are moot in view of the new grounds of rejection set forth above.

Conclusion


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14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah B. McPartlin whose telephone number is 571-272-6854. The examiner can normally be reached on M-Th 7:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SBM
January 5, 2006


Peter M. Cuomo
Supervisory Patent Examiner
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